

**State Defendants' Response to Gonzales Plaintiffs'
Motion for Preliminary Injunction**

Exhibit S

2025 0730 1CS, Senate Committee Transcript

TRANSCRIPTION OF VIDEOTAPE

SENATE SPECIAL COMMITTEE ON REDISTRICTING

WEDNESDAY, JULY 30, 2025

P R O C E E D I N G S

CHAIRPERSON KING: Everybody settled?

(No audible response.)

CHAIRPERSON KING: The Senate Special Committee on Congressional Redistricting will come to order. The Clerk will call the roll.

THE CLERK: Senator King?

CHAIRPERSON KING: Here.

THE CLERK: Senator Creighton?

VICE CHAIR CREIGHTON: Here.

THE CLERK: Senator Alvarado?

SENATOR ALVARADO: Here.

THE CLERK: Senator Hinojosa?

SENATOR HINOJOSA: Present.

THE CLERK: Senator Hughes?

SENATOR HUGHES: Here.

THE CLERK: Senator Miles?

SENATOR MILES: Here.

THE CLERK: Senator Parker.

SENATOR PARKER: Here.

THE CLERK: Senator Paxton?

SENATOR PAXTON: Here.

THE CLERK: Senator Sparks?

SENATOR SPARKS: Here.

CHAIRPERSON KING: Thank you.

1 There being a -- nine present, a quorum has been
2 established. Members, we have two -- I guess two -- that's
3 okay -- we have two motions in writing before us from -- one
4 from Senator Miles, I believe the other from Senator Alvarado.

5 Let's take up Senator Miles' first. And will the
6 Clerk please read the motion for the Record?

7 THE CLERK: The motion by Senator Miles.

8 I move that the Senate Special Committee on
9 Congressional Redistricting of the State of Texas under the
10 hand of the Chair of the Committee and as the Chair deems
11 appropriate in accordance with Texas Government Code Section
12 103.024, Senate Resolution 5, Senate Rule 11.20, issue one or
13 more subpoenas to compel the Assistant Attorney General,
14 Harmeet Dhillon; Deputy Assistant Attorney General Michael E.
15 Gates; or any other relevant employees of the United States
16 Department of Justice to appear before the Committee at the
17 time and location specified in the subpoena.

18 CHAIRPERSON KING: Thank you.

19 Senator Miles, would you want to elaborate any on
20 the motion?

21 SENATOR MILES: Yeah, thank you, Mr. Chair.

22 Members of the Committee and Chairman, thank you.
23 This is a subpoena added for AG Dhillon or Deputy Assistant
24 Gates, AG, who both signed on the DOJ, what we call the hit
25 list letter, or any other DOJ employee. Members, you know

1 I've tabled my motion time and time over again in the last
2 week. We've tried to do -- not do this at all.

3 I want to thank Chairman King who wrote a letter to
4 Ms. Dhillon and asked her -- asking her to voluntarily
5 testify. We know the letter was successfully received because
6 Chairman King indicated to all of us that he had received an
7 automatic response from Ms. Dhillon's office. That was last
8 Friday.

9 Today is Wednesday and we have not heard back. For
10 something of this magnitude, which is such a tight deadline of
11 August 7, I think we all deserve and want to hear a quick
12 response from Ms. Dhillon, therefore the subpoena is
13 necessary.

14 Texas has never been afraid to set legal precedents.
15 The DOJ has threatened this state directly. Let's dispense
16 with caution and issue a subpoena if needed. The court -- if
17 need be, the courts can sort this out if we have to. I urge
18 all of my members for -- to vote in assurance of the subpoena
19 so that we can have our questions answered and so we can be as
20 deliberate as possible as a body.

21 Thank you, Mr. Chairman, and thank you, members.

22 CHAIRPERSON KING: Thank you.

23 Members, I have some comments, but first would
24 anyone else like to speak in regard to the motion?

25 (No audible response.)

1 CHAIRPERSON KING: Okay. Let me say I've really
2 given this a lot of sincere thought, I know it's something
3 that's come up several times in the Committee process all
4 stemming from the letter from the DOJ. I actually sat down
5 last night and just -- finally just sat down and wrote out my
6 thoughts on it. So I want you to know that these are sincere
7 and not -- and they weren't predetermined or anything of that
8 nature.

9 I think in considering whether or not we should
10 compel -- or should issue a subpoena for Ms. Dhillon, if we
11 did that, obviously it's because of the letter that was
12 submit -- that was written and delivered to the Governor and
13 to the Attorney General. I'm going to oppose the motion. Of
14 course everyone on the Committee is free to vote as they judge
15 best.

16 I have several reasons. One, I think first the
17 letter is of no impact on the Redistricting Committee. As I
18 said, the Senate is -- as I've said before, the Senate is able
19 to move forward with Congressional redistricting irrespective
20 of the accuracy or inaccuracy of the DOJ letter and
21 irrespective of the reason why the Governor gave for adding
22 redistricting to the call.

23 Once redistricting was on the call, the Senate then
24 determines the how and why of all items on the call. So I
25 believe really the letter has no impact and is really

1 superfluous to the Committee's actions.

2 Second, the letter was not directed to the Senate.
3 The letter, as I mentioned earlier, was directed to the
4 Attorney General and to the Governor. The Texas Attorney
5 General has sent a letter of response, that I believe everyone
6 has, to the DOJ disagreeing with the legal conclusions
7 expressed in the DOJ's letter. And I've mentioned publicly in
8 hearing that I disagree with the conclusions laid out in the
9 DOJ's letter.

10 Also, the attorneys representing the state in the
11 redistricting litigation on behalf of the Attorney General,
12 they have already filed a response with the court. If you
13 remember, there was the plaintiffs filed a motion to reopen
14 testimony due to the DOJ letter, the attorneys representing --
15 or acting on behalf of the Attorney General and representing
16 the state have filed a very lengthy response to that letter
17 and to the motion of the plaintiffs in that case. The court
18 has considered the Attorney General's litigation team's
19 response and has denied the motion to reopen the case.

20 And of course that OAG's response, the litigation
21 team's response has been made available to the Committee as
22 well. So I think that the Attorney General, through a
23 personal letter to the DOJ and through the actions of his
24 counsel with the court, have responded to the letter.

25 It was also addressed to the Governor. I think the

1 Governor has responded to the letter, at least in my opinion
2 by placing the issue of Congressional redistricting on the
3 call. And once again, the letter was not directed to the
4 Senate, it was only directed to the Attorney General and to
5 the Governor, so I don't really think it applies to us and to
6 the work of this Committee.

7 Also, at least from what I can gather, in terms of
8 Senate precedent I'm not aware of any time that the Senate has
9 issued a subpoena to a federal law officer, and certainly not
10 one of such a senior position. Further, to do a subpoena I
11 think it has to obviously be relative for a specific date,
12 time and place. We have no hearings scheduled at this time
13 and so the subpoena -- any vote to go forward would be without
14 the specificity of knowing when we want them to appear.

15 Also, as of today, July 30 -- you know, we sent an
16 invitation -- this issue first came up I guess last Friday at
17 our first hearing. I suggested rather than doing a subpoena
18 that we invite Ms. Dhillon. That late that afternoon I wrote
19 a letter, we emailed it. I know it was received as Senator
20 Miles said, because I received a response. And although we
21 have not had a response back as yet to that invitation, in
22 fact, it's only been three business days since that invitation
23 was received. So I think we're a little premature in that
24 regard to considering a subpoena as well.

25 We've also had I think four days of hearings. We've

1 heard from approximately 200 witnesses who testified. Many
2 mentioned the DOJ letter. And the Committee has discussed
3 this letter at length. Again, my position is it has no import
4 to the work of the Committee. The Governor has placed
5 redistricting on the call, and we can choose as a Committee
6 and then as a body, Senate body to go forward or not with
7 Congressional redistricting. The letter itself is of no
8 impact on that.

9 So for all of these reasons -- I know that alleged
10 counsel placed an opinion out suggesting that the Senate might
11 not have the authority to issue a letter to a federal officer.
12 I am also aware that there's other case law out there that
13 might speak in a different direction. I don't want to get
14 into the legal issues of that and I don't want to take up
15 whether or not we have the authority to subpoena a federal
16 officer, and I don't think we need to bring that up for the
17 purposes of considering this motion. So based on these other
18 more pragmatic points that I've tried to make, I am going to
19 vote no on the motion.

20 And with that I'd be happy to again ask would anyone
21 else like to speak with regard to the motion?

22 Senator Miles.

23 SENATOR MILES: Chairman, I just want to be clear.
24 You're voting no on the motion or you are going to leave it to
25 the will of the body and that's just going to be your no vote?

1 CHAIRPERSON KING: So the motion as I understand it
2 is to authorize the Chair to issue a subpoena --

3 SENATOR MILES: To vote -- do we have to -- and
4 isn't that -- isn't that a decision to be made by the body of
5 this Committee?

6 CHAIRPERSON KING: And that would be the vote. It
7 does require a two-thirds vote --

8 SENATOR MILES: Correct.

9 CHAIRPERSON KING: -- of the body, and the
10 questions specifically would be on the adoption of the motion
11 as it was read by the Clerk, and again, it would require two-
12 thirds. But what it actually does is authorize the Chair to
13 issue a subpoena.

14 SENATOR MILES: Okay. And you have that right as
15 the Chairman, Mr. Chairman. I understand the vote no on the
16 motion. But I can't -- respectfully how can it be -- have no
17 impact. You know, at the time this was included in the
18 official call and it had enough impact to make the call. And
19 I think that's completely disingenuous that this letter from
20 the DOJ is what started this train of redistricting, and we
21 wouldn't be here if not for that letter.

22 And it's my understanding, and I could be wrong, I'm
23 not, you know, an expert in anything, but this redistricting
24 would have been illegal had we not received that letter. If
25 we -- like you said on our meeting, we could have a

1 redistricting meeting any time we want. But as I understand
2 it, had we not had that letter from the DOJ and we had called
3 this particular redistricting meeting, that it would have been
4 illegal. I'm not an expert, but that's how I understand and
5 been advised.

6 Again, I close with, you're the Chairman, you have
7 the right to vote no on the motion. I just hope that -- I'm
8 happy that you're going to leave it up to the will of this
9 Committee.

10 CHAIRPERSON KING: Thank you. My understanding, and
11 we've read the Governor's call several times during the
12 hearings, but the core of the Governor's call was for the
13 legislature to take up the issue of Congressional
14 redistricting irregardless of the DOJ letter. Once he places
15 Congressional redistricting on the call, then we can interpret
16 that in whatever light we wish. And we can take it up for
17 that purpose if we wanted to, for the purpose of dealing with
18 that letter, or we can take it up because we, as a body,
19 determined that it would be in the best interest of Texas to
20 attempt to redraw the Congressional map.

21 SENATOR MILES: But correct me if I'm wrong, this is
22 not a case of which came first, the chicken or the egg. We
23 know that this letter from the DOJ came before he put this on
24 the call. Is that correct?

25 CHAIRPERSON KING: That's correct. Now we don't

1 know whether he would have put it on the call otherwise or not
2 obviously.

3 SENATOR MILES: Right.

4 CHAIRPERSON KING: But --

5 SENATOR MILES: But we do know that this came first.

6 CHAIRPERSON KING: -- but historically the way the
7 Texas legislature -- the Texas Senate specifically has dealt
8 with the call, that once the subject matter is placed on the
9 call, then it's up to the Senate to determine the scope of
10 that subject matter. And my understanding of it is that once
11 he put the words Congressional redistricting on the call, then
12 we can take it up irregardless of the letter.

13 SENATOR MILES: No dispute in that. But just for
14 the Record, we know that this letter from the DOJ came first.

15 CHAIRPERSON KING: It's dated prior to the call,
16 that is correct.

17 SENATOR MILES: Before the call. Thank you, sir.

18 CHAIRPERSON KING: Thank you, sir.

19 Members, anything else?

20 SENATOR ALVARADO: Sure. Thank you.

21 CHAIRPERSON KING: Senator Alvarado.

22 SENATOR ALVARADO: Thank you, Mr. Chairman.

23 Just to hit -- reemphasize a few points my colleague
24 made. You said Step 1 was the letter. Well, actually Step 1
25 was Trump saying that he wanted five more Congressional

1 districts out of Texas, Republican Congressional districts.

2 Step 2, some time after came the DOJ letter. And that letter
3 has everything to do with why we're here.

4 Mr. Chairman, respectfully when you've been asked
5 why we're doing this, you've said -- you've been very
6 consistent and you've said we're here because the Governor put
7 it on the call. Not only did the Governor put redistricting
8 on the call, included in that was the DOJ letter that was very
9 specific to four districts, targeting four districts, majority
10 minority districts.

11 Mr. Chairman, you yourself has said that you did not
12 agree with the conclusion that the DOJ letter -- or the
13 insinuations that it made. So I too agree with that. I don't
14 see -- see it the way that Ms. Harmeet sees it. Even more
15 reason why she should appear, she or somebody in the DOJ
16 should appear to explain the reason that they have targeted
17 those four districts.

18 This letter is what started this whole process. And
19 now here we are and we cannot get our questions answered
20 because quite frankly I don't think she's going to show up.
21 Right? I mean it's been three days, something of this
22 importance that's been in the national news, I mean unless
23 they're too busy dealing with the Epstein files or whatever,
24 I'm sure there are attorneys who can respond, but they have
25 chosen not to. So they put all this out there, but then

1 they're not here to -- wanting to show up to answer the
2 questions that we have.

3 I mean we are -- we're here because the Governor put
4 it on the call to answer the Constitutional issues raised by
5 the DOJ. So, you know, bear with us because we feel pretty
6 strong about this, that Ms. Harmeet should be here at some
7 point. And I don't think, unless you have other -- you know,
8 something in writing that says that it has to be time and date
9 specific, because I think that that can be specified at a
10 later time.

11 We know that we do have another hearing, at least
12 one. Is that correct?

13 CHAIRPERSON KING: If we consider a map, we would
14 have obviously at least one hearing.

15 SENATOR ALVARADO: Okay. So that time could be
16 specified later. Any thoughts on that?

17 CHAIRPERSON KING: Well, I mean obviously at some
18 point if we have a hearing, that's -- I wouldn't want to -- I
19 would not call a hearing just for someone to come and testify.
20 We would -- we probably will not have another hearing until we
21 have a bill before us.

22 SENATOR ALVARADO: Okay. Well, and then let me get
23 to the -- to the legislative counsel and what they -- the
24 opinion that they had.

25 CHAIRPERSON KING: Can I respond to --

1 SENATOR ALVARADO: Sure.

2 CHAIRPERSON KING: -- what you just said though? I
3 want to go back and say even if she came and testified, it has
4 no impact on whether or not the Committee goes forward with
5 redistricting. We can do that -- if the author of the letter
6 believes that the Texas maps are illegal in some manner,
7 violate the Voting Rights Act in some manner, and she comes
8 and testifies to that, that still has no impact on whether or
9 not we do Congressional redistricting.

10 And so from my perspective the letter is irrelevant
11 to the purpose of the call. I understand it's a side issue
12 that's out there and it -- I don't -- I haven't talked to the
13 Governor and obviously it had some impact in whether or not he
14 put this matter on the call. But once Congressional
15 redistricting was put on the call, the letter doesn't matter
16 because it's on the call, and then it's our job to decide as a
17 Committee and then later as the Senate whether we want to go
18 forward and try to design a new Congressional map.

19 SENATOR ALVARADO: Well, the fact that during a
20 regular redistricting period we're redistricting for the whole
21 state, but this DOJ letter specifies for Congressional
22 districts. So I think it has a lot to do with what we're
23 doing. I've never known a time when a federal agent or
24 somebody in federal government sends a letter to the Governor,
25 or to the AG, or both, requesting redistricting targeting four

1 specific districts.

2 CHAIRPERSON KING: But I think there's been
3 innumerable times that a senior federal officer has publicly
4 stated and put in writing that they did not agree with what
5 Texas was doing on one matter or another. But that doesn't
6 mean that we're required to respond to that, it doesn't mean
7 that we're required to take action on that, any more than we
8 are to this letter. And I just think the letter -- I don't
9 want to use the word irrelevant, but the Committee can go
10 forward with redistricting regardless of what the DOJ letter
11 says or what their author has, in their mind, concluded.

12 And I'm not criticizing the author in any way. You
13 know how redistricting is, there's a lot of discussions and
14 court cases and everything else trying to figure out maps.
15 They apparently came to the conclusion that there were some
16 issues under the Voting Rights Act. I don't think there is,
17 but it doesn't matter because we're going to pursue
18 Congressional redistricting irregardless of the letter.

19 So I think trying to issue -- I'm going to vote no
20 because I think trying to issue a subpoena just -- I think
21 it's a distraction at best and I think it creates unnecessary
22 conflict at worst. And so I am going to vote against it, and
23 if the Committee agrees, then we'll continue with our work
24 just as we had planned to do.

25 SENATOR ALVARADO: I believe Ms. Harmeet in her

1 letter, and I don't have it here in front of me, but I think
2 she threatened to sue us?

3 CHAIRPERSON KING: Well, the last sentence, and it's
4 a little bit -- the calendar date's a little interesting, but
5 it -- I think you can read it that it expected a response.
6 But the state has responded. The letter was not to the
7 Senate, it was to the Governor and to the Attorney General.
8 They have both responded, at least the Attorney General has
9 formally responded to the letter, and I guess the -- I think
10 you could presume that the Governor has responded by putting
11 the issue on the call.

12 But we're -- the Senate isn't mentioned in the
13 letter, the legislature's not mentioned in the letter, any
14 request for a response is not directed to us.

15 SENATOR ALVARADO: Well, it's -- I mean indirectly
16 because it's addressed to the Governor and then he in turn
17 directed this legislative body in the House to take up
18 redistricting. I don't recall anything in the history of
19 Texas, of the legislature in a redistricting where a federal
20 agent is threatening the legislature with a lawsuit.

21 CHAIRPERSON KING: Oh, I think previous DOJ's,
22 particularly Democratic DOJ's, when Republicans were doing
23 redistricting have often inserted their voice into what the
24 Committee and what the legislature, the Senate and the House
25 were working on.

1 SENATOR ALVARADO: Yeah, I don't quite recall a
2 letter from the DOJ or any kind of directive that included a
3 threat of a lawsuit if we did not take up redistricting
4 with -- in regards to specific Congressional districts, you
5 know.

6 CHAIRPERSON KING: Well, no, but I think the
7 previous DOJ actually intervened in the lawsuit. That's --

8 SENATOR ALVARADO: That -- well --

9 CHAIRPERSON KING: -- pretty direct.

10 SENATOR ALVARADO: -- I think that was different,
11 there were already some lawsuits in place, there were VRA
12 issues and -- okay.

13 CHAIRPERSON KING: The point is, at least from my
14 perspective, and I certainly understand where you and Senator
15 Miles are coming from, but I don't think the letter has any
16 bearing on our responsibility to respond to the call. I think
17 the call says take up Congressional redistricting, and for all
18 the reasons I listed I think it's -- it's just better that we
19 not issue a subpoena to the author of the letter.

20 SENATOR ALVARADO: Okay. I know you mentioned the
21 legislative counsel and their opinion that we cannot subpoena
22 a federal agent. Is that correct?

23 CHAIRPERSON KING: Yeah, that was citing a 1930s --
24 so there's 1930, maybe '36 case out of Pennsylvania where a
25 legislative body was attempting to issue a subpoena and gather

1 information from a federal authority. The court ruled that
2 that was a violation of federal sovereignty. Then the Fifth
3 Circuit had a case come up in maybe 1967 if I'm remembering,
4 and the Fifth Circuit adopted that legal reasoning, adopted
5 that case in dealing with a similar issue within the Fifth
6 Circuit states.

7 And so -- and it makes a very good argument that we
8 don't have the legal authority. I don't think it's a final
9 authority and I don't want to get into that because I don't
10 want to ever say that Texas doesn't have the authority to do
11 that without a lot more research in jurisprudence. So I'm not
12 making my recommendation based on alleged counsel's opinion,
13 although I very much appreciate it and respect it, and I think
14 it's well written.

15 But I don't think it's definitive and I really don't
16 think it's the time or place for us to try to decide whether
17 or not Texas -- whether the legislature has that authority. I
18 think -- I don't -- I think we can move forward without going
19 there. And frankly I'm not sure that you could make that
20 decision without not just a lot of research but maybe some
21 additional jurisprudence to figure all that out.

22 SENATOR ALVARADO: And the cases that you
23 referenced, are those the Alex McLeod?

24 CHAIRPERSON KING: Yes.

25 SENATOR ALVARADO: Okay. Well, the cases that they

1 are citing are clearly distinguishable from the facts at hand
2 and should not be read as categorical bars to legislative
3 inquiries of federal agents in all cases. In both those cases
4 state authorities were investigating the operations and
5 policies of federal agencies. This is a sharp contrast with
6 that -- what the Committee's doing today.

7 Unlike the legislative committees in both of these
8 cited cases, we are not investigating the US Department of
9 Justice. Rather we are simply seeking testimony from an
10 assistant Attorney General who sent the letter to Texas
11 officials threatening litigation if the state legislature did
12 not take action. So I don't think it --

13 CHAIRPERSON KING: I'm not -- I'm not disagreeing
14 with you. I think there's a lot of room for discussion there
15 and that's why I didn't take that case law into consideration
16 in coming to my conclusion. I think for the other more
17 pragmatic reasons that I mentioned, Senate precedent and the
18 fact that the letter's been responded, the letter doesn't have
19 any impact on this Committee.

20 The call is very clear, the subject matter of the
21 call as far as Congressional redistricting, the other just
22 courtesy fact that we've, at this point, only given the DOJ
23 three days to respond, three business days, I just think for
24 all of those reasons that I'm going to vote no on the motion.
25 And of course it's up to each Committee member how they wish

1 to vote. If there's a -- if two-thirds of the members vote to
2 authorize the subpoena, then I'll have the authority to do
3 that, and we'll continue forward.

4 SENATOR ALVARADO: I can guess how this movie ends
5 right here, but one thing I'll just say about it, the last
6 thing on this motion, but this is not an intrusion into
7 federal agency. This is in response to an intrusion by a
8 federal agency. The DOJ entered into our legislative sphere
9 and demanded an action on a purely state matter drawing our
10 Congressional lines. Having done so, they have subjected
11 themselves to appropriate legislative oversight consistent
12 with the 10th Amendment and the principles of federalism.

13 CHAIRPERSON KING: Again, not getting into the legal
14 issues because I think you can argue both sides of that, you
15 did it well, the pragmatic principles lead me to say that we
16 should not do a subpoena at this time.

17 SENATOR ALVARADO: Yeah.

18 SENATOR MILES: Mr. Chairman, I just have one
19 question before we call for the vote.

20 CHAIRPERSON KING: Yes, sir. Senator Miles.

21 SENATOR MILES: Yeah. Again, it's just not a
22 coincidence, that letter from the DOJ, that we're not going to
23 subpoena the person who wrote it or anybody from that agency.
24 It's not a coincidence that those four districts are on that
25 letter. As I stated on the floor, that you and I had the

1 conversation on the floor, it's not a coincidence.

2 But what I would like to know is what reason without
3 that letter would we have a mid-decade redistricting that has
4 nothing to do -- they have no different census information,
5 for what reason would we have met, that we would have had a
6 redistricting --

7 CHAIRPERSON KING: Senator, I can't speak for the
8 Governor or for his reasoning in placing it on the call. I
9 know that we did what everyone called mid-decade redistricting
10 in 2003 and we had three special sessions then. We've done
11 redistricting in special sessions for different reasons, but
12 it was always because the Governor placed it on the call and
13 that's why we're here now, because the Governor has placed
14 Congressional redistricting on the call.

15 I can't speak to his reasoning, and I hadn't talked
16 to him, but we are here and we have the authority to decide if
17 we want to produce a new map, we have the authority to
18 consider all the issues surrounding Congressional
19 redistricting as to redistricting --

20 SENATOR MILES: It's not a coincidence. As we know
21 what it is, it's called rigged districting.

22 Thank you, Mr. Chairman. I look forward to the call
23 of the vote.

24 CHAIRPERSON KING: Thank you.

25 Members, any other comments?

1 (No audible response.)

2 CHAIRPERSON KING: Thank you.

3 So, Members, the question is on the adoption of the
4 motion previously read by the Clerk. Please note that under
5 Senate Rule 11.20 this motion would require a record vote of
6 not less than two-thirds of the Committee's members to be
7 adopted.

8 Will the Clerk please call the roll and please show
9 the Chair voting no.

10 THE CLERK: Senator Alvarado?

11 SENATOR ALVARADO: Aye.

12 THE CLERK: Senator Hinojosa?

13 SENATOR HINOJOSA: (No audible response.)

14 THE CLERK: Senator Hughes?

15 SENATOR HUGHES: Respectfully, no.

16 THE CLERK: Senator Miles?

17 SENATOR MILES: Aye.

18 THE CLERK: Senator Parker?

19 SENATOR PARKER: No.

20 THE CLERK: Senator Paxton?

21 SENATOR PAXTON: No.

22 THE CLERK: Senator Sparks?

23 SENATOR SPARKS: No.

24 THE CLERK: Senator Creighton?

25 VICE CHAIR CREIGHTON: No.

1 THE CLERK: The Chair is reflected as a no.

2 CHAIRPERSON KING: Thank you.

3 There being three ayes and six nays, the motion
4 fails. And I thank everyone for their time and discussion on
5 that.

6 We have one more motion. And is this one by -- are
7 you laying out this one --

8 SENATOR ALVARADO: Yes.

9 CHAIRPERSON KING: -- Senator Alvarado? Okay.
10 Great. The Clerk will read the motion for the Record.

11 THE CLERK: The motion by Senator Alvarado.

12 I move that the Senate Special Committee on
13 Congressional Redistricting of the State of Texas under the
14 hand of the Chair of the Committee and as the Chair deems
15 appropriate in accordance with the Texas Government Code
16 Section 103.024, Senate Resolution 5 and Senate Rule 11.20
17 issue one or more subpoenas to compel Mr. Adam Kincaid,
18 National Republic Redistricting Trust, to appear before the
19 Committee at the time -- at a time and location specified in
20 the subpoena.

21 CHAIRPERSON KING: Senator Alvarado, would you like
22 to discuss the motion?

23 SENATOR ALVARADO: Yes, Mr. Chairman.

24 I think we've talked a little bit about Mr. Adam
25 Kincaid and the fact that he drew the maps in 2021, and from

1 what I understand drew the map that was filed today.
2 Mr. Kincaid is with the National Republic Redistricting Trust.
3 We need to know what guidelines he used to draw these maps and
4 if he drew the latest following the instructions of the DOJ to
5 target districts based on race.

6 As I mentioned before, we have recent Senate
7 precedent with the Senate State Affairs Committee. I've
8 talked about that, now I think this is my third time
9 referencing, but the Committee, the State Affairs
10 Commission -- Committee issued subpoenas, and I want to
11 reemphasize issued, not enforced subpoenas to BlackRock in
12 2022, and a number of social media companies, Alphabet, Meta
13 and TikTok in 2024, these individuals out of state.

14 We're in a similar situation where the Committee
15 needs critical information to meet its charge. We need to
16 know how these maps were drawn. In addition the TLC letter,
17 it doesn't say anything about whether a subpoena we issue can
18 be registered in DC and served there in DC with DC authorities
19 holding the power to enforce the subpoena.

20 Mr. Chairman, and again, we've had a couple of
21 conversations about the role that Mr. Kincaid has played in
22 the 2021 redistricting. In fact, he was -- he testified in
23 the recent court case, defended the 2021 maps that he drew,
24 and has been very consistent that they were drawn without
25 regards to race. They were race neutral, VRA compliant and

1 constitutional.

2 So, you know, I've said this before, either he was
3 lying, maybe he committed perjury because he was -- did a
4 pretty good job of defending those maps that he drew in 2021.
5 So I would like to hear what he has to say now with this --
6 with recent events and ask him about the guidelines and the
7 data that he used to draw the maps this year.

8 CHAIRPERSON KING: Members, any discussion?

9 (No audible response.)

10 CHAIRPERSON KING: So I thought a lot about this one
11 too today after -- after you had mentioned early this morning
12 that you'd be bringing this one in. A couple of things, one,
13 I can't think of any time that, at least in the 27 years I've
14 been in the legislature, that I've seen a subpoena -- someone
15 who wrote a bill to determine its legality or its
16 appropriateness. We usually look at the bill itself and
17 analyze it.

18 I know that the House has filed a bill today. I've
19 already asked counsel that we've engaged, that I've engaged to
20 take a look at that map and let me know if it does or does not
21 in all ways comply with the Voting Rights Act, 14th Amendment
22 and any other appropriate law. And it doesn't seem that it
23 would matter what the motives were for the document, or the
24 methodology used to construct it.

25 It really seems that all that matters is what --

1 what is in the four corners of that document, what are within
2 the parameters of each district on that map. And so I don't
3 really see any purpose that his testimony -- I don't see
4 any -- how his testimony would provide any relevant
5 information to the Committee's decision of do we like that
6 map. First off, is it legal, and do we like the way it's
7 drawn?

8 Also, I would note that there's a lot of discussion
9 about whether or not we could ever compel somebody who lives
10 out of state to attend. I will certainly say this, that I'm
11 happy to issue him an invitation as we did Ms. Dhillon, and
12 I'd be happy to do that tomorrow. But it is my understanding
13 that he is -- that he lives I want to say Virginia, but I'm
14 not sure, but I think --

15 SENATOR ALVARADO: I believe so.

16 CHAIRPERSON KING: -- I think that's correct. I
17 think you told me that actually.

18 SENATOR ALVARADO: Uh-huh.

19 CHAIRPERSON KING: And -- but without getting into
20 our authority to do it, because I want to be careful that the
21 Committee doesn't ever do anything to detract or establish any
22 precedent taking away from a committee's authority to issue a
23 subpoena, so without getting into the legal issues, I just see
24 no benefit or no necessity for him to testify while we're
25 going to look at his -- the map and we're going to make sure

1 that it has a proper analysis so that we know that if it --
2 that it complies, that it's legal, it complies with all
3 applicable law. And then we would look at it from a policy
4 perspective and determine if it's something that the Committee
5 wants to support or not, or amend or not.

6 So I guess my question is, regardless of his
7 methodology, what difference would that make in the
8 Committee's determination?

9 SENATOR ALVARADO: Well, I think what we're doing
10 here is unprecedented. I think it's -- you know, it's not a
11 usual redistricting process. And since he drew the maps in
12 2021 and recently was defending them in the court case, and
13 now he's drawing a different set of maps, I -- one of the
14 questions I probably want to know, aside from what guideline
15 or data he used is -- he just said that the maps he drew for
16 2021 were fine, they were legal, they were VRA compliant. And
17 now he's drawing -- he drew some different maps.

18 CHAIRPERSON KING: And I understand that completely,
19 but I guess just for my reasoning, whoever -- I mean we may
20 have other maps filed, there may be -- everybody on this
21 Committee may file a map, and I would never see any benefit to
22 bringing in whoever was the actual map drawer and saying, Why
23 did you do this and how did you do that?

24 I would want to look at the map, determine if it --
25 have someone take a -- give it a good legal scrub and

1 determine if it is legal in all respects, and then we would
2 want to look at it as policy makers and determine if it's the
3 best policy for the state of Texas. It doesn't matter to me
4 who drew it. Again, it's certainly up to the will of the
5 Committee. I'm going to vote against the motion, but it's
6 going to be completely up to the will of the Committee.

7 SENATOR ALVARADO: Well, again, I know how this
8 movie will end. I guess this is the sequel to the first vote
9 and a sequel's never as good as the first one. But --

10 CHAIRPERSON KING: And if I could clarify something?
11 There is no map, I have not filed any map. I am aware of the
12 map that -- obviously that the House has filed. I know
13 there's a possibility that that map may work its way over to
14 the Senate. I have asked for the attorneys that -- the
15 Committee's hired, that I've hired as Committee Chair, I've
16 asked for them -- I asked them this evening if they would take
17 that and put it through all legal analysis so that if that map
18 makes it over here, I'll know and be able to represent to the
19 Committee whether or not it meets jingles and all the other
20 appropriate reviews.

21 SENATOR ALVARADO: Okay. Mr. Chairman, again, you
22 brought up the issue about subpoenaing somebody from out of
23 state, and I'd like to know what is the difference if the
24 State Affairs Committee has done that as recent as 2024
25 inviting people or subpoena -- issuing a subpoena from out of

1 state, what is the difference with what I'm asking?

2 CHAIRPERSON KING: Oh, sure. I mean I think -- I
3 think we could -- I think we have the -- I think we can issue
4 a subpoena for Mr. Kincaid.

5 SENATOR ALVARADO: Okay.

6 CHAIRPERSON KING: I think whether we can enforce
7 that if he declines to come is a whole big different deal. I
8 think, and I don't want to speak for Senator Hughes'
9 committee, but I think the situation in that case was they
10 were subpoenaing an organization that had a presence in Texas,
11 or organizations that had a presence in Texas, and so Texas
12 had the authority to compel the leadership of that
13 organization to respond to the subpoena.

14 I think it's a legal discussion that we don't need
15 to have in this Committee as to how you enforce legislative,
16 or if you can enforce legislative subpoenas outside of the
17 state of Texas. I don't think that's really relevant for us
18 to decide today. But I mean you can issue a subpoena -- a
19 committee I guess could issue a subpoena to anybody. Whether
20 or not you can enforce it is a question for a different day.

21 SENATOR ALVARADO: So do we know for a fact that the
22 National Republic Redistricting Trust does not have a presence
23 in Texas?

24 CHAIRPERSON KING: To my knowledge it doesn't.

25 SENATOR ALVARADO: Okay. Which troubles me, and I

1 know the way because we've got an individual and a group that
2 is redrawing a map for Texas and they're not even Texans so.

3 CHAIRPERSON KING: Yes and no, and I understand that
4 too. But I mean historically I think the way it's always
5 happened is, you know, the House and Senate, we kind of draw
6 our own -- the House draws its own map and sends it over to us
7 to start as a template. The Senate draws its map, sends it
8 over to the House, they start with ours as a template. And
9 generally the Congressional delegation submit their map, and
10 I'm assuming they usually draw those in DC, or somewhere that
11 the delegation is operating out of.

12 SENATOR ALVARADO: Yeah. Well, and you mentioned
13 about having somebody who drafted a bill come before. But we
14 have often had people that draft bills to come before our
15 Committee voluntarily, and one of the recent examples maybe
16 was, sorry to keep using Senator Hughes's committee, but on
17 Senate Bill 31 we had Mr. Bresin and Lisa Kaufman who helped
18 draft the bill, and they came and testified voluntarily. So,
19 you know, I'm not buying that argument.

20 CHAIRPERSON KING: Well, I guess that's true. I
21 guess, you know, if -- I guess you're right because -- in that
22 sense because if Corporation ABC was trying to push a bill and
23 got someone to file it, they would -- they usually do the
24 first draft and then come in and testify on the bill and to
25 the reasoning for it.

1 So, okay, I'll concede that point, yeah.

2 SENATOR ALVARADO: I just don't see the harm in
3 inviting somebody who drew a map and asking how and why they
4 drew the map.

5 CHAIRPERSON KING: Well, if the point is to
6 determine their methodology and their thoughts behind it and
7 all that, I just -- I just think those are irrelevant in the
8 unique situation of a redistricting map, because what really
9 matters to us is first determining independently is it legal
10 in every respect, and then determining ourselves is it good
11 policy for the state of Texas than what their mental state was
12 in drawing the map or their methodology. I don't think it
13 really matters because I think the methodology gets wiped out
14 by our legal scrub and the mental state gets knocked out by
15 our policy decisions.

16 SENATOR ALVARADO: Yeah.

17 CHAIRPERSON KING: Senator Miles.

18 SENATOR MILES: Mr. Chairman, one clarification.
19 You just stated that we don't have a map. Is it your
20 intent -- just for clarification -- is it your intent to use
21 the House map after you've had them scrub it?

22 CHAIRPERSON KING: I honestly haven't decided --

23 SENATOR MILES: Are you going to file an additional
24 map, as a point of clarification?

25 CHAIRPERSON KING: Okay. I haven't decided. I want

1 to watch -- I think there's several things for us to do, and I
2 don't think there's a rush. I'd like to understand -- the
3 House just posted a hearing from Friday -- for Friday. I'm
4 assuming they've already begun a legal analysis of the map.

5 I'm really eager to hear all the testimony on the
6 map with regard to its legality and policy implications and
7 see how their hearing goes. I want to see if it looks like
8 it's moving forward and going to get out of that committee
9 soon, and then when they might begin to bring it to the floor,
10 because we could just wait and see if the House sends a map
11 over and then take up that map when it arrives.

12 I might also decide they're moving a little slowly,
13 I might -- if we get a good report on the map from counsel,
14 then I might take that map and file it. But at the same time
15 other members of the Committee or the Senate may file other
16 maps as well that we need to take a look at.

17 So again, I looked at the map for probably
18 20 minutes today, pulling it up on the screen and just
19 overlaying the new lines with the old map, and there's a lot
20 of adjustment in a lot of districts. And I don't know
21 initially if they're -- I have no idea what the legal
22 implications are, if they -- if it meets the VRA and other
23 requirements. I suspect it does and -- but I want to check
24 that before I look at it. And also I am just going to have to
25 spend a lot of time, as everybody else will, trying to decide

1 if it's good policy the way the maps are drawn.

2 So I don't know if I'm going to file that bill or
3 not. I don't know if I'm going to file another bill, I don't
4 know if other members are going to file bills, bills being
5 maps. And -- but I -- certainly I'm not going to make a
6 decision until I kind of see how things are moving in the
7 House.

8 Members, any other discussion? Senator Alvarado or
9 Senator Miles, anything else?

10 (No audible response.)

11 CHAIRPERSON KING: All right. Thank you.

12 Members, the question is on adoption of the motion
13 previously read by the Clerk. Please, again, note that Senate
14 Rule 11.20 -- that under Senate Rule 11.20 this motion would
15 require a record vote of not less than two-thirds of the
16 Committee's members to be adopted.

17 Will the Clerk please call the roll?

18 THE CLERK: Senator Alvarado?

19 SENATOR ALVARADO: Aye.

20 THE CLERK: Senator Hinojosa?

21 SENATOR HINOJOSA: Aye.

22 THE CLERK: Senator Hughes?

23 SENATOR HUGHES: Respectfully, no.

24 THE CLERK: Senator Miles?

25 SENATOR MILES: Aye.

1 THE CLERK: Senator Parker?

2 SENATOR PARKER: No.

3 THE CLERK: Senator Paxton?

4 SENATOR PAXTON: No.

5 THE CLERK: Senator Sparks?

6 SENATOR SPARKS: No.

7 THE CLERK: Senator Creighton?

8 VICE CHAIR CREIGHTON: No.

9 THE CLERK: Senator King?

10 CHAIRPERSON KING: No.

11 There being three ayes and six nays, the motion
12 fails.

13 And, Senators, I want to thank you both for bringing
14 the motions, and I want to encourage you to bring -- let me
15 know any time that you have any issues you want to bring up
16 before the Committee and we can certainly sit down and talk
17 about another quick hearing to address those.

18 You have also asked me on a number of occasions who
19 the legal counsel is that we were pursuing. We actually
20 talked to a number of firms. I mean normally you would
21 have -- I would have done this earlier but we didn't get to
22 get started till a couple of weeks ago. We interviewed a
23 number of firms that had already been hired by other parties
24 and then we ran into some conflicts.

25 As of this evening we have hired Baker -- the firm

1 of Baker Hostetler. Their I believe home office is out of DC,
2 but they have offices in a number of locations including
3 Texas. They have a very good background in redistricting and
4 similar issues. And I have, as I mentioned, already asked
5 them to take a look at the map that was filed in the House
6 today, and to just do an independent review of it and let me
7 know if they believe, as I suspect it does, that it complies
8 with the requisite legal requirements.

9 And then we'll consider -- I'll consider whether to
10 move it forward as a bill I file or whether to wait for the
11 House to send something over. And again, the Committee is
12 certainly open to any member of the Committee or the Senate
13 that wishes to file their own map, and we'll sure take a hard
14 look at that too.

15 Is there any other business to come before the
16 Committee?

17 SENATOR MILES: Yes, Mr. Chairman.

18 CHAIRPERSON KING: Oh, Senator Miles.

19 SENATOR MILES: I just want to note that we have
20 three Democrats on this Committee, all of which are
21 minorities. And we couldn't -- we've spoken out about this
22 over and over and over again, and this letter from the DOJ.
23 But yet we couldn't garner enough respect from our colleagues
24 to just question the person who wrote the letter that's
25 attacking our districts and attacking our communities.

1 I just want to note that, Mr. Chairman. I just want
2 to note that, Colleagues. There are three minorities on this
3 Committee, all three of which are Democrats. We call
4 ourselves colleagues. You all know what this is going to do
5 to our districts. People have come -- like you said, 200
6 people have come and commented and testified. We've
7 testified.

8 But yet we couldn't garner enough respect from what
9 we call our colleagues, that we stand with each other daily,
10 to get the respect to just question the person who wrote a hit
11 letter from the federal government, to question them on the
12 purpose of that letter. Note it.

13 CHAIRPERSON KING: And thank you for your comments.
14 And I understand them and appreciate them. But I would just
15 say again, I've already stated publicly numerous times, and I
16 suspect if you polled the Committee, I bet everyone on the
17 Committee would agree that with me that I disagree with the
18 conclusions reached by the author of the DOJ letter. I
19 haven't seen their background data that they've used, but just
20 on having kept up with the court pleadings, having been there
21 when the maps passed and just personal knowledge of
22 redistricting law, I disagree with the conclusions reached.

23 The Attorney General has responded with a very firm
24 statement of disagreement with the conclusions reached. And
25 also filings made in the court on the current redistricting

1 case have clearly said that the state of Texas's position is
2 that the letter was incorrect.

3 And so I hope we've made that -- I hope that helps
4 that we have all at least publicly spoken up, both me as the
5 Chair of the Committee, the Attorney General personally, and
6 the attorneys representing the state in the litigation have
7 all spoken up and said that we disagree with the letter and
8 disagree with its legal conclusions, and I hope that that at
9 least helps some in that -- in your concerns.

10 And, Members, is there any other business to come
11 before the Committee?

12 (No audible response.)

13 CHAIRPERSON KING: There being no further business,
14 the Senate Special Committee on Congressional Redistricting
15 will stand in recess subject to the call of the Chair.

16 (Adjourned.)
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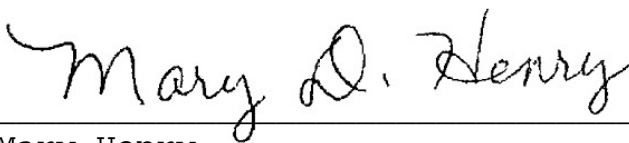
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I, Mary Henry, certify that the foregoing is a correct transcription from the audio recording of the proceedings in the above-entitled matter.

Please take note that I was not personally present for said recording and, therefore, due to the quality of the audio provided, inaudibles may have created inaccuracies in the transcript of said recording

I further certify that I am neither counsel for, related so, not employed by any of the taking parties to the action in which this deposition was taken, and further that I am not financially or otherwise interested in the outcome of the action.

SUBSCRIBED AND SWORN TO under my hand and of office on this 15th day of September, 2025.



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